

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES DAVIS, BART PANESSA, and
JEFF NIEMEIER, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

KATANGA MINING LIMITED, JOHNNY
BLIZZARD, JACQUES LUBBE,
MATTHEW COLWILL, ARISTOTELIS
MISTAKIDIS, LIAM GALLAGHER, TIM
HENDERSON, IVAN GLASENBERG, AND
GLENCORE PLC,

Defendants.

Case No. 2:17-cv-12188-CCC-JBC

CLASS ACTION

AMENDMENT TO STIPULATION AND AGREEMENT OF SETTLEMENT

THIS AMENDMENT (the “Amendment”), made as of June 15, 2021 (the “Amendment Effective Date”), by and between(i) Lead Plaintiff Charles Davis (“Davis”) and Named Plaintiffs Bart Panessa and Jeffrey Niemeier (“Plaintiffs”), on behalf of themselves and on behalf of the Settlement Class (as defined herein), and (ii) Katanga Mining Limited (“Katanga” or the “Company”), Johnny Blizzard (“Blizzard”), Jacques Lubbe (“Lubbe”), Matthew Colwill (“Colwill”), Aristotelis Mistakidis (“Mistakidis”), Liam Gallagher (“Gallagher”), Tim Henderson (“Henderson”), Ivan Glasenberg (“Glasenberg”), and Glencore Plc (“Glencore” and collectively, “Defendants”) (each a “Party” and collectively, the “Parties”).

WHEREAS, the Parties entered into to the Stipulation and Agreement of Settlement, dated as of March 6, 2021 (the “Stipulation”), and;

WHEREAS, the Parties wish to modify, amend and/or supplement certain terms of the Stipulation as detailed more specifically below, with effect on the Amendment Effective Date;

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree to amend, modify, and/or supplement the Stipulation as of the Amendment Effective Date as follows:

Paragraph 1.27 of the Stipulation is amended to read as follows:

1.27 "**Released Claims**" means any and all Claims (including Unknown Claims as defined in ¶ 1.38), whether brought directly or indirectly, that (a) have been asserted in the Action or (b) could have been asserted in this Action or (c) could in the future be asserted in any forum, by Plaintiffs, any member of the Settlement Class, or their successors, assigns, executors, administrators, representatives, attorneys, and agents, in their capacities as such, which arise out of, are based upon, or relate to in any way to (i) any of the allegations, acts, transactions, facts, events, matters, occurrences, representations or omissions involved, set forth, alleged or referred to in this Action or (ii) the purchase, acquisition, holding, sale, or disposition of Katanga securities traded on or through the U.S. OTC Markets by members of the Settlement Class. Notwithstanding the foregoing, "Released Claims" does not include claims to enforce the terms of this Stipulation or orders or judgments issued by the Court in connection with this Settlement or claims asserted in the Statement of Claim filed January 21, 2021, in the matter of *Cheng v. Glencore plc, et al.*, Supreme Court of Yukon, File No. 20-A0119.

IN WITNESS WHEREOF, the Parties have executed this Amendment by their undersigned counsel effective as of the date set forth below.

Dated: June 15, 2021

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Lead Counsel for Plaintiffs and the Putative Class

Dated: June 15, 2021

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Dated: June 15, 2021

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